

- (2) Upon retirement prior to age 55, Safety Members shall receive a retirement allowance equal to the normal retirement allowance computed as in (a) above reduced by 1/2 of 1% for each month that retirement occurs prior to age 55.
- (3) Upon retirement after age 55, Safety Members shall receive a retirement allowance equal to the normal retirement allowance computed as in (a) above increased by 1/2 of 1% for each month that retirement occurs after age 55.

*(Amended 8-2-1982 by O-15790 N.S., effective 9-3-1982.)*

**§24.1107 Death in Active Service**

- (a) Upon the death of a member while actively employed, the named beneficiary shall be paid the member's accumulated contributions.
- (b) If the named beneficiary is the member's spouse and if the member was eligible to retire for service at the date of his death, then the member's spouse may elect, in lieu of the payment in (a) above, to receive a monthly allowance equal to 50% of the amount the member would have received had he retired for service on the day preceding his death. In the event there is no spouse, or if the spouse dies prior to the date that all children attain age 18, then the allowance payable to the spouse shall be paid to the children, collectively, until the youngest child attains the age of 18.

*(Amended 8-2-1982 by O-15790 N.S., effective 9-3-1982.)*

**§24.1108 Optional Settlements**

- (a) Until the first payment of any allowance is made, a member, in lieu of the allowance for his life alone, may elect to apply the actuarial equivalent of his allowance, as of the date of retirement, to a lesser allowance payable through life in accordance with one of the optional settlements specified in this article.
- (b) Optional Settlement 1 consists of the right to have an allowance paid him until his death, and if he dies before he receives in annuity payments the amount of his accumulated contributions at retirement, to have the balance at death paid to his beneficiary or estate.
- (c) Optional Settlement 2 consists of the right to have an allowance paid him until his death, and thereafter to such person, having an insurable interest in his life, as he nominates by written designation duly executed and filed with the Board

at the time of his retirement.

- (d) Optional Settlement 3 consists of the right to have an allowance paid him until death, and thereafter to have one-half of his allowance paid to such person, having an insurable interest in his life, as he nominates by written designation duly executed and filed with the Board at the time of his retirement.
- (e) Optional Settlement 4 consists of the right to have an allowance paid him until his death and thereafter to have such other benefits as are approved by the Board, upon the advice of the actuary, continued throughout the life of and paid to such persons, having insurable interest in his life, as he nominates by written designation duly executed and filed with the Board at the time of his retirement. Such designation shall not, in the opinion of the Board and the actuary, place any additional burden upon the Retirement System.

*(Amended 8-2-1982 by O-15790 N.S., effective 9-3-1982.)*

#### **§24.1109 Death After Retirement**

- (a) Upon the death of any member receiving an allowance who did not elect Optional Settlement 1, 2, 3 or 4 of Section 24.1108, his surviving spouse shall receive a monthly pension equal to 50% of the decedent's monthly allowance if,
  - (1) Such spouse is designated as beneficiary, and
  - (2) Such spouse was married to the deceased member at least one year prior to the date of his retirement, and
  - (3) The monthly allowance of the deceased member was not modified in accordance with Optional Settlement 1, 2, 3 or 4 provided by this System.
- (b) Upon the death of any member receiving an allowance under Optional Settlement 1, 2, 3 or 4 of Section 24.1108, the surviving beneficiary shall receive the amounts provided under the Optional Settlement selected.
- (c) Upon the death of member receiving an allowance, there shall be paid a lump sum amount of \$5,000 to the designated beneficiary or estate of the retired member if there is no designated beneficiary.

*(Amended 8-2-1982 by O-15790 N.S., effective 9-3-1982.)*

**§24.1110 Post Retirement Cost of Living Adjustment**

- (a) The Board shall determine before each July 1 the change in the All Urban Consumer Price Index as published by the Bureau of Labor Statistics for the San Diego area—all items. The change shall be determined by dividing the average Index for the preceding calendar year by the average Index for the next preceding calendar year.
- (b) The Board, with the approval of the City Council, shall define the Index to be used in the event that the Index referred to herein is discontinued.  
*(Amended 5-26-1992 by O-17770 N.S.)*

**§24.1111 City Contributions**

The City shall contribute to the Retirement Fund a percentage of compensation earnable as determined by the System's Actuary pursuant to the annual actuarial evaluation. The required City contributions shall be determined separately by the Actuary for General Members and for Safety Members.

All deficiencies which may accrue must be amortized over a period of thirty years or less.  
*(Made effective 9-3-1982 by O-15790 N.S.)*

**§24.1112 Administration**

The Board shall account separately for the assets and liabilities of the 1981 Pension System and the City Employees Retirement System. The funds of both systems may be co-mingled for investment purposes.  
*(Made effective 9-3-1982 by O-15790 N.S.)*

**§24.1113 Retired Persons**

Notwithstanding any other provision of law, no person who has been retired from the service and employment of the City of San Diego pursuant to the provisions of this division shall thereafter be paid for any service rendered as an officer or employee of said City, except as an officer elected by the electors of said City.

Notwithstanding the above provision, commencing on or after July 1, 1983, any person who has retired may be employed in a position requiring special skills or knowledge, as determined by the appropriate appointing authority, for a period not to exceed 90 working days in any one fiscal year and may be paid for such employment. Such employment shall not operate to reinstate the person as an active member of this System and no deductions shall be made from his or her salary as contributions thereto; nor shall said person, as a result of such limited duty, be considered an

eligible employee for purposes of the City's Supplemental Pension Savings Plan or accrual of annual leave.

*(Amended 5-2-1983 by O-15959 N.S.)*

**§24.1114      Transfer to Advances Reserve Account All Remaining Surplus Undistributed Earnings**

Notwithstanding Section 24.0907, at the beginning of each fiscal year the Board shall calculate those surplus undistributed earnings which accrue as a result of contributions placed in the system on behalf of members of the 1981 Pension Act provisions. Such funds shall be credited to an advance reserve account. Surplus Undistributed Earnings are those funds remaining after having first withheld sufficient sums to meet the pro-rata budgeted expenses and costs of operating the System, including all personnel and services for the fiscal year, and to maintain such reserves for contingencies as the Board deems appropriate on the advice of its independent investment counsel.

Sums transferred to the advance reserve account shall be used solely to reduce employer contributions to the Retirement Fund during the fiscal year.

*(Amended 2-25-1997 by O-18383 N.S.)*

**§24.1115      Safety Member Death Benefit**

A Safety Member Death Benefit is payable if the deceased was a safety member, if his or her death was industrial, as determined by the Industrial Accident Commission, using the same procedure as in worker's compensation hearing, and if there is a spouse or child who qualifies under subdivision (b) of the following section and such spouse or child elects not to receive a return of the member's accumulated contribution pursuant to Section 24.1107.

*(Amended by renumbering duplicate Section 24.1114 on 8-2-1982 by O-15791 N.S.; effective 9-3-1982.)*

**§24.1115.5      Safety Member Death Benefit to Designated Beneficiary or Estate**

(a)      If payment of a Safety Member Death Benefit is ordered pursuant to section 24.1115 above, and there is no spouse or child who qualifies for said benefit, the benefit as provided in subsection (b) below shall be paid to the beneficiary designated by the Safety Member, or if no beneficiary has been so designated, to the estate of the Safety Member.

(b)      For purposes of this section, the Safety Member Death Benefit shall consist